IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7637 of 2005

Between:

Narsimulu, s/o Nagappa,
Gopanpally Village, Zaheerabad, Medak District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Sangareddy, Medak District.
2 The Mandal Revenue Officer, Zaheerabad Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus, to declare the action of the respondents in making attempts to conduct the interviews on 6-4-2005 as per the news item published in Vaartha Telugu Daily in respect of the Fair Price Shop of Gopanpally Village, Zaheerabad Mandal, Medak District, illegal, arbitrary, unconstitutional and against to the principles of natural justice, besides violative of Articles 19 and 21 of the Constitution of India and consequently set aside the same, and to grant such other relief or reliefs.

Counsel for the Petitioner:MR.D.RAMAN GOPAL

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The petitioner is a fair price shop dealer of Gonapally Vilage, Zaheerabad Mandal, Medak District. He was issued a show cause notice on 22.08.2004 by the 1st respondent directing him to explain as to why his authorization should not be cancelled, on the basis of the allegations indicated therein. In response thereto, he submitted his explanation to the 1st respondent and after considering the same, the 1st respondent passed the impugned order, dated 21.03.2005, cancelling the authorization of the petitioner. The grievance of the petitioner is that the respondents have been making attempts to conduct interviews for appointment of a new dealer. He seeks appropriate directions in this regard.

The petitioner had an effective and alternative remedy by way of an appeal before the appellate authority. But, no appeal, as such, had been filed by the petitioner. Therefore, the petitioner cannot challenge the order of cancellation before this Court, when there is an effective remedy of appeal.

In view of the above, this writ petition is dismissed, leaving it open to the petitioner to avail the remedy of appeal before the appellate authority, if he is so advised. There shall be no order as to costs.

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06.04.2005

Jsu

To

1 The Revenue Divisional Officer, Sangareddy, Medak District.
2 The Mandal Revenue Officer, Zaheerabad Mandal, Medak District.

3 2 CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

4 2 CD copies

The petitioner is a fair price shop dealer whose authorization had been cancelled on certain irregularities. No appeal had been filed. Hence, the authorities concerned have been proceeding with the appointment of new authorized dealer. Challenging the said action, the present writ petition is filed.

For obvious reasons that no appeal had been filed. Therefore, the petitienor canot challenge the order of cancellation of the authorization before this Court. Hence, this writ petition is dismissed.

In view of the fact that thereis an effective and alternative remedy by way of an appeal. However, with liberty to file an appeal before the